



**{In Archive} Fw: Pretty Prairie Nitrate Treatment Costs**

**Mary Mindrup** to: Diane Huffman

12/13/2007 11:19 AM

Archive:

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FYI

Mary A. T. Mindrup  
Chief, Drinking Water Management Branch  
(913)551-7431  
Mindrup.Mary@EPA.GOV

----- Forwarded by Mary Mindrup/R7/USEPA/US on 12/13/2007 11:19 AM -----



DWaldo@kdhe.state.ks.us

12/13/2007 09:22 AM

To Monica Wurtz/R7/USEPA/US@EPA

cc Mary Mindrup/R7/USEPA/US@EPA

Subject Pretty Prairie Nitrate Treatment Costs

Link to article about the engineering study for nitrate treatment at Pretty Prairie. Predictable.

[http://hsn.live.mediaspanonline.com/Localregional/water2007\\_12\\_12T21\\_39\\_30](http://hsn.live.mediaspanonline.com/Localregional/water2007_12_12T21_39_30)

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509





## Cancelled: Pretty Prairie, KS - Nitrate Issue

Thu 04/24/2008 11:00 AM - 12:00

PM

Chair: **Monica Wurtz/R7/USEPA/US**

Rooms: 3230/R7-RO@EPA

**Monica Wurtz** has cancelled this meeting. Your calendar will be updated to reflect this change.

Required: Chris Dudding/R7/USEPA/US@EPA, Diane Huffman/R7/USEPA/US@EPA, Mary Mindrup/R7/USEPA/US@EPA, Stacie Tucker/R7/USEPA/US@EPA,

### Description

Mary & I received a letter on 4-21 from the mayor of Pretty Prairie requesting that we come meet with the city and their council members regarding nitrate compliance issues. The purpose of our meeting is to decide who, from EPA, should attend the meeting with Pretty Prairie and to discuss both past and present enforcement action taken on this system. I've attached some recent correspondence.



Pretty Prairie 4-16-08.pdf



Pretty Prairie 2-4-08.pdf

Monica  
x7868





## CITY OF PRETTY PRAIRIE

P.O. Box 68 • 119 West Main • Pretty Prairie, Kansas 67570-0068

620-459-6392 • FAX 620-459-7354

E-Mail: [pprairie@btsskynet.net](mailto:pprairie@btsskynet.net) • [www.skyways.org/towns/PrettyPrairie](http://www.skyways.org/towns/PrettyPrairie)

"HOME OF KANSAS' LARGEST NIGHT RODEO"

April 16, 2008

Ms. Monica Wurtz and Mary Tietjen-Mindrup  
Drinking Water Management Branch  
Environmental Protection Agency  
901 N. 5<sup>th</sup>  
Kansas City, Kansas 66101

Dear Monica and Mary:

The City of Pretty Prairie and our City Council members would like to meet with you to visit about our City's nitrate situation and achieving compliance with the Safe Drinking Water Act in this regard. We would like to have you visit our City, if possible, to discuss this matter. Our City has used the bottled water program in the past under a Consent Order, which has been a successful and economic remedy for our community.

Please let us know when one of you or both, might be able to arrange a meeting time with us here in Pretty Prairie to further discuss this situation. You may call our City Clerk, Patti Brace, and let her know if this might be possible to do.

The City appreciates your consideration in this matter and we do look forward to visiting with you.

Sincerely,

A handwritten signature in cursive script that reads "Curt Miller".

Curt Miller  
Mayor  
City of Pretty Prairie





{In Archive} Fw: Pretty Prairie order

Monica Wurtz to: Mary Mindrup, Ken Deason, Diane Huffman

04/24/2008 11:35 AM

Cc: Stacie Tucker

History: This message has been forwarded.  
Archive: This message is being viewed in an archive.

All,

The final Consent Order (1996) and Directive (2007) for Pretty Prairie are attached. Please note Kelly Kelsey's comments regarding the failure to implement a wellhead protection program as required in the Consent Order. I am trying to re-schedule our meeting so that both legal council and enforcement will be involved.

Monica  
x7868

----- Forwarded by Monica Wurtz/R7/USEPA/US on 04/24/2008 11:23 AM -----



KKelsey@kdhe.state.ks.us

04/24/2008 09:50 AM

To DWaldo@kdhe.state.ks.us

cc Monica Wurtz/R7/USEPA/US@EPA

Subject Re: Pretty Prairie order

I am attaching the 1996 Consent Order and the 2007 Directive. In the 1996 Consent Order, please review Paragraph 17 under Schedule of Actions. I do not believe that Pretty Prairie ever developed or implemented a wellhead protection program as required. Which then leads to Paragraphs 25 and 26 of the Order which I believe opens the door for KDHE to issue the 2007 Directive.

(See attached file: 1996 Consent Order 96\_E\_0263.pdf) (See attached file: 2007 Directive.pdf)

~~~~~  
Kelly D. Kelsey  
Environmental Scientist  
Kansas Department of Health and Environment  
Bureau of Water - Public Water Supply Section  
1000 SW Jackson Street; Suite 420  
Topeka, Kansas 66612  
Voice: (785) 296-6297  
Fax: (785) 296-5509  
kkelsey@kdhe.state.ks.us  
www.kdheks.gov

Dave Waldo/Kdhe

04/24/2008 09:12  
AM

Kelly Kelsey/Kdhe@Kdhe

To

cc

Subject

Pretty Prairie order

Kelly, Monica requested a copy, electronic if available, of the KDHE/PP order or consent agreement. I'd take one too.

Thanks.

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503



Fax 785 296 5509 1996 Consent Order 96\_E\_0263.pdf 2007 Directive.pdf





{In Archive} Re: Fw: Pretty Prairie might also be talking to Rep. Moran  
(nitrates, long standing opposition to the std. by city) FYI 📎

Mary Mindrup to: William Spratlin

02/11/2008 07:24 AM

Archive:

This message is being viewed in an archive.

EPA has Long history with Pretty Prairie. Just recently sent a letter saying bottle water is not a method of compliance per the current regulations. Pretty Prairie has been in violation of nitrates for over 10 years. KDHE is putting them on a new administrative order to get into compliance through treatment.

Thanks,

Mary A. T. Mindrup  
Chief, Drinking Water Management Branch  
(913)551-7431  
Mindrup.Mary@EPA.GOV  
William Spratlin/R7/USEPA/US



William  
Spratlin/R7/USEPA/US  
02/08/2008 04:16 PM

To mindrup.mary@epa.gov  
cc

Subject Fw: Pretty Prarie might also be talking to Rep. Moran  
(nitrates, long standing opposition to the std. by city) FYI

William A. Spratlin, Director  
Water, Wetlands and Pesticides Division  
EPA Region 7  
913-551-7401  
spratlin.william@epa.gov

----- Forwarded by William Spratlin/R7/USEPA/US on 02/08/2008 04:16 PM -----



KMuelden@kdhe.state.ks.us  
02/08/2008 03:33 PM

To William Spratlin/R7/USEPA/US@EPA  
cc

Subject Pretty Prarie might also be talking to Rep. Moran (nitrates,  
long standing opposition to the std. by city) FYI





{In Archive} Pretty Prairie, KS - Nitrate

Monica Wurtz to: Chris Dudding

Cc: Mary Mindrup

01/28/2008 10:26 AM

Archive:

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Chris,

KDHE has requested that a letter be sent to the City of Pretty Prairie to explain why it is no longer acceptable to supply an alternate source of drinking water (bottled water) to pregnant women and infants under 6 months to achieve compliance with the Nitrate MCL. Kim Harbour and I drafted this letter, it is currently circulating for concurrence, and it should eventually make it to your office. Here is an sneak peek at the letter. Please let me know if you have any questions or concerns.



Pretty Prairie.doc

Thank you.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868



Mr. Curt Miller, Mayor  
City of Pretty Prairie  
119 West Main Street  
Pretty Prairie, KS 67570

Re: Use of Bottled Water Under the Safe Drinking Water Act (SDWA)

Mr. Miller:

It has been brought to the attention of the U.S. Environmental Protection Agency (EPA) through the Kansas Department of Health and the Environment (KDHE) that Pretty Prairie is seeking clarification as to the use of bottled water to come into compliance with provisions of the Safe Drinking Water Act (SDWA). Under the SDWA, bottled water is allowed for use in very limited situations, such as in emergency situations or as a temporary measure under variances and exemptions. However, bottled water is prohibited for use by a public water system to achieve compliance with the Maximum Contaminant Level (MCL) <sup>1</sup>.

The city of Pretty Prairie drinking water system has a long history of exceeding the MCL for nitrates under the SDWA and must come into compliance with the MCL as soon as possible. Because bottled water cannot be used to achieve compliance with the MCL, the EPA strongly encourages the city of Pretty Prairie to work with KDHE and take additional measures to come into compliance.

<sup>1</sup> 40 CFR § 141.101 "Public water systems shall not use bottled water to achieve compliance with an MCL. Bottled water may be used on a temporary basis to avoid unreasonable risk to health."

Sincerely,

William A. Spratlin  
Director  
Water, Wetlands, and Pesticides Division





**{In Archive} Re: Fw: Pretty Prairie** 

**Stacie Tucker** to: Monica Wurtz

Cc: Chris Dudding, Diane Huffman, Ken Deason, Mary Mindrup

This message is digitally signed.

05/19/2008 02:02 PM

History: This message has been forwarded.

Archive: This message is being viewed in an archive.

Hi Monica,

What does Dave mean? I don't think the Pretty Prairie Order is in effect anymore. The most recent Order expired in 2003, and Pretty Prairie didn't meet those requirements.

KDHE has a Directive with the city, but it doesn't sound like Pretty Prairie is meeting those requirements either. Does Dave consider the Directive to be an Order, or does he consider the Directive to be an enforcement action?

How will KDHE hold the city accountable, since Pretty Prairie has been violating the Nitrate MCL since at least spring 1989 - including multiple enforcement actions?



Pretty Prairie Nitrate Summary 5.19.08.doc



Pretty Prairie 1996 Consent Order 96\_E\_0263.pdf



Pretty Prairie 2007 Directive.pdf

FYI - the July 2007 KDHE Directive seems to allow bottled water indefinitely, under Paragraph 2.b.

Also, the Feasibility Study requirement in the Directive has no implementation dates or milestone action dates - which is what I think we need to have Pretty Prairie commit to meet in the next 1-5 years (depending on construction costs, ability to pay, fees/rates, etc.).

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Monica Wurtz/R7/USEPA/US



Monica Wurtz/R7/USEPA/US

05/19/2008 01:00 PM

To Mary Mindrup/R7/USEPA/US@EPA

cc Ken Deason/R7/USEPA/US@EPA, Stacie  
Tucker/R7/USEPA/US@EPA, Chris  
Dudding/R7/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA

Subject Fw: Pretty Prairie



----- Forwarded by Monica Wurtz/R7/USEPA/US on 05/19/2008 12:59 PM -----



DWaldo@kdhe.state.ks.us

05/19/2008 12:55 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc

Subject Re: Pretty Prairie

Monica, I do not anticipate KDHE requiring any specific action of Pretty Prairie, other than specified in the existing order, for the time being.

Dave

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509

Wurtz.Monica@epamail.epa.gov

05/15/2008 11:10 AM

To DWaldo@kdhe.state.ks.us

cc

Subject Re: Pretty Prairie

Dave,

Just wanted to give you a 'heads up' on a letter that EPA Region 7 is sending to Pretty Prairie in response to their April 21, 2008 letter requesting a meeting with EPA. You will be sent a copy (leaving our office today or tomorrow). Basically, the message of the letter is that EPA appreciates the offer to meet with PP, but we will decline the meeting. KDHE is the primacy agency for enforcing the Nitrate MCL and we encourage PP to work with KDHE to come into compliance with the Nitrate MCL as soon as reasonably possible.



Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868

DWaldo@kdhe.state.ks.us

04/24/2008 02:43 PM

To Monica Wurtz/R7/USEPA/US@EPA  
cc  
Subject Re: Pretty Prairie

It might be good to hold up on suggesting KDHE attend, also. We can still go even if you don't bring it up.  
Will have to consider PP will try to pit the state against EPA on this issue.

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509  
Wurtz.Monica@epamail.epa.gov

04/24/2008 09:02 AM

To dwaldo@kdhe.state.ks.us  
cc  
Subject Pretty Prairie

Dave,

Mary & I received a letter from the Mayor of Pretty Prairie on 4-21, requesting that we come meet with his city council regarding the nitrates/bottled water issue. I've attached a copy of the letter. We are meeting with our attorney today to discuss who, from EPA, needs to attend this meeting and what our approach will be. I was going through our Pretty Prairie file and I found the AO that was sent by EPA and the draft Consent Order from KDHE. Do you think you could send me an electronic copy of the final Consent Order and the Directive that was sent to Pretty Prairie? This will help us in our preparation for the meeting. We have not set a date for the meeting yet, but I feel it would be appropriate for KDHE to be in attendance - I will mention this to Pretty Prairie when I call to set up the meeting.

Thank you.

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
(913) 551-7868[attachment "Pretty Prairie 4-16-08.pdf" deleted by Dave Waldo/Kdhe]

| Drinking Water System  | PWS ID No. | Type of System         | Population                | Historic Nitrate Violations?                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Duration as part of the KDHE Nitrate Strategy | KDHE entered into Nitrate Consent Order?                                                   | Nitrate Consent Order expired or terminated?                                                                                                                       | On-going violations or Issues? (As of 1QTR08 response to Unaddressed SNC List)                                                                                                                                                                                                                                                                                                                                          |
|------------------------|------------|------------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Pretty Prairie | KS2015501  | Community Water System | 615 (per the 2000 census) | <ol style="list-style-type: none"> <li>1. KDHE issued Administrative Order 89-E-10 on 2/13/1989 w/ compliance schedule to meet nitrate MCL. Order not appealed and became final.</li> <li>2. KDHE issued Administrative Order 90-E-71 on 10/28/1990 for failure to comply w/ AO 89-E-10 &amp; pay \$12,675 in penalties. Pretty Prairie appealed this order before it became final.</li> <li>3. KDHE &amp; Pretty Prairie entered into Consent Order 91-E-71 on 10/24/1991 for violations.</li> </ol> | The entire duration, ~1997-2004.              | <p>Yes, 1996-2003</p> <p>KDHE Consent Order 96-E-0263 for Pretty Prairie on 10/15/1996</p> | <p>Expired in 2003</p> <p>No other formal enforcement action has been taken to date.</p> <p>KDHE Directive sent to the city of Pretty Prairie on July 20, 2007</p> | <p>Administrative Order (SFL) issued 10/16/96 - linked in SDWIS database.</p> <p>Directive (SFJ) issued 7/20/07 - linked in SDWIS database.</p> <p>City awaiting a letter from EPA regarding use of bottled water and KDHE's former Nitrate Strategy. <b><i>(This was issued by EPA ~April 2008.)</i></b></p> <p>Feasibility study identified \$1.2 million treatment plant as most feasible option for compliance.</p> |

|  |  |  |  |                                                                                                                                                                                                                                                                                                                                                                                                 |  |  |  |  |
|--|--|--|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|
|  |  |  |  | <p>Pretty Prairie agreed to comply w/ nitrate MCL by following compliance schedule &amp; paying \$675 in civil penalty.</p> <p>4. KDHE Consent Order 96-E-0263 for Pretty Prairie on 10/15/1996</p> <p>5. Files reviewed by EPA R7 for FY03 Annual Program Evaluation (APE) indicated that the PWS was out of compliance with the 24 hour public notification requirement in 40 CFR 141.202</p> |  |  |  |  |
|--|--|--|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

IN THE MATTER OF:

CASE No. 96-E- 0263

CITY OF PRETTY PRAIRIE, KANSAS  
PUBLIC WATER SUPPLY ID #T4000

COMPLIANCE WITH K.A.R 1995 SUPP. 28-15-13(b),  
ADMINISTRATIVE ORDER CASE No. 91-E-71,  
PROCEEDING UNDER K.S.A. 1995 SUPP. 65-163

CONSENT ORDER

I. PRELIMINARY STATEMENT

The Kansas Department of Health and Environment (KDHE) and the City of Pretty Prairie (City), having agreed that settlement of this matter is in the best interest of all parties and the public, hereby represent and state as follows:

II. STATUTORY AUTHORITY

1. KDHE is a duly authorized agency of the state of Kansas, created by an act of the legislature. KDHE has general jurisdiction over matters involving public water supply and protection of public health under the authority of K.S.A. 1995 Supp. 65-163 et seq. The following Findings of Fact and Conclusions of Law are made and Consent Order issued under the authority vested in the Secretary of the Kansas Department of Health and Environment (Secretary) by K.S.A. 1995 Supp. 65-163.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

2. The City operates a public water supply system as defined by K.S.A. 65-162a. A public water supply system is defined as "a system for the provision to the public of piped water for human consumption, if such system has at least ten (10) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes any source, treatment, storage or distribution facilities under control of the operator of the system and used primarily in connection with the system, and any, source, treatment storage or distribution facilities not under such control but which are used in connection with such system."

3. K.S.A. 65-171m states in part, "The secretary of health and environment shall adopt rules and regulations for the implementation of this act. In addition to procedural rules and regulations, the

secretary may adopt rules and regulations providing for but not limited to: (a) primary drinking water standards applicable to all public water supply systems in the state. The primary drinking water standards may: (1) identify contaminants which may have an adverse effect on the health of persons; (2) specify for each contaminant either a maximum contaminant level that is acceptable in water for human consumption, ..."

4. K.S.A. 1995 Supp. 65-163 states in part: "(2) Whenever an investigation of any public water supply system is undertaken by the secretary, it shall be the duty of the supplier of water under investigation to furnish to the secretary information to determine the sanitary quality of the water supplied to the public and to determine compliance with applicable state laws and rules and regulations. The secretary may issue an order requiring changes in the source or sources of the public water supply system or in the manner of storage, purification or treatment utilized by the public water supply system before delivery to consumers, or distribution facilities, collectively or individually, as may in the secretary's judgment be necessary to safeguard the sanitary quality of the water and bring about compliance with applicable state law and rules and regulations. The supplier of water shall comply with the order of the secretary."

5. As authorized by K.S.A. 65-171m, the secretary adopted a maximum contaminant level (MCL) for nitrate of 10 mg/l, measured as N, at K.A.R. 1995 Supp. 28-15-13(b).

6. Administrative order, Case No. 89-E-10 was issued to the City by KDHE on February 13, 1989. This order contained a schedule of actions for the City to follow to return to compliance with the nitrate MCL. This order was not appealed and became a final order of the Secretary.

7. On October 28, 1990, Administrative Order No. 90-E-71 was issued to the City for failure to comply with Administrative Order No. 89-E-10. Administrative Order No. 89-E-10 was included by reference. Administrative Order No. 90-E-71 assessed penalties of \$12,675 for failure to comply with Administrative Order No. 89-E-10. This Order was timely appealed.

8. On October 24, 1991, the City and KDHE entered into Consent Order No. 91-E-71. Administrative Orders 89-E-10 and 91-E-71 were included by reference. Under the Consent Order, the City waived its appeal of Administrative Order No. 90-E-71 and agreed to pay \$675 in civil penalty. The remaining penalty was dismissed on the condition that the City comply with a schedule to comply with the nitrate MCL.

9. In partial response to the consent agreement, the City constructed Well No. 5, which was placed into operation in November of 1994. At this time, Wells No. 3 and 4 were removed from service, and the City relied entirely on Well No. 5.

10. The nitrate levels in Well No. 5 have been as high as 11.31 mg/l in samples analyzed in the KDHE laboratory.

11. The City has expressed an interest in proceeding with a wellhead protection plan to protect the quality of water in the Pretty Prairie area, and to lower ambient groundwater nitrate levels.

12. K.S.A. 65-171r prohibits the following acts: "(c) the failure of a supplier of water under investigation to furnish information to the secretary under K.S.A. 65-163, and amendments thereto; (d) the failure of a supplier of water to comply with any final order of the secretary issued under the provisions of K.S.A. 65-163 or 65-163a, and amendments thereto; (e) the failure of a supplier of water to comply with a primary drinking water standard established under K.S.A. 65-171m, and amendments thereto unless a variance or exception has been granted;"

13. K.S.A. 65-171s states in part: "Any person who violates any provision of K.S.A. 65-171r shall incur, in addition to any other penalty provided by law, a civil penalty in an amount not more than \$5,000 for each violation."

#### IV. CONSENT ORDER

14. Therefore, based on the above and pursuant to K.S.A. 1995 Supp. 65-163, the Secretary hereby orders and the City hereby consents to comply with the following Schedule of Actions.

##### Schedule of Actions

15. The city shall test each point of entry to its distribution system for nitrate at least quarterly, using the KDHE laboratory, or a KDHE-certified laboratory. The City shall increase the sampling frequency to either monthly or weekly if directed to do so by KDHE. Results shall be submitted to KDHE by the 10th day of January, April, July, and October summarizing the results of all samples taken and analyzed in the previous quarter.

16. When the test results indicate the nitrate levels exceed the MCL of 10 mg/l, the City shall take the following actions:

a. Issue public notice on a quarterly basis as required by K.A.R. 1995 Supp. 28-15-15a. Copies of the notice shall be furnished to all area health care providers including medical doctors, clinics, hospitals, and the Reno County Health Department. Copies shall also be provided to day care centers and commercial establishments serving the traveling public, and posted in any roadside parks served by the City water system.

b. The City shall provide free of charge, an alternate source of drinking water for all infants less than six months of age, mothers nursing infants less than six months of age, and pregnant women. The drinking water provided must meet the requirements of K.A.R. 28-15-13. If bottled water is chosen to meet this requirement, the City shall obtain a certification from the bottled water supplier that the bottled water meets the appropriate requirements of the FDA concerning the source of the water and monitoring of water quality.

17. The City shall adopt and implement its wellhead protection program according to the following schedule. The wellhead protection program shall conform with the Kansas Wellhead Protection Program. A progress report shall be submitted to KDHE within 10 days of the dates outlined in the schedule.

a. The city shall complete delineation of the wellhead protection area no later than March 31, 1997.

b. The city shall complete an inventory of existing and potential pollution sources within the wellhead protection area no later than June 30, 1997.

c. The city shall complete development of management strategies for the existing and potential pollution sources identified above, with particular emphasis given to sources of nitrate contamination of the groundwater, no later than September 30, 1997.

d. The city shall submit its wellhead protection plan to KDHE for review by October 31, 1997.

e. The city shall adopt and implement its wellhead protection plan no later than December 31, 1997.



18. If nitrate levels exceed 15 mg/l in two of three consecutive quarters, upon notice by KDHE, the City will obtain or prepare a formal feasibility study, including cost estimates, of obtaining a new source of water, blending existing sources of water to produce acceptable quality of water, purchasing water of acceptable quality from a neighboring public water supplier, providing treatment to reduce the nitrate concentration to an acceptable level, or any combination of these options. The City shall submit the feasibility study to KDHE within twelve months of receiving notice from KDHE.

19. If nitrate levels exceed 20 mg/l in two of three consecutive quarters, this consent agreement will be revised to include a schedule requiring the City to implement an option identified in paragraph 18 above.

20. The City shall submit quarterly reports to KDHE discussing its progress in each of the following areas as appropriate: implementing the wellhead protection program required in paragraph 17 above; completing the feasibility study required in paragraph 18 above, or implementing the option selected according to paragraph 19 above.

#### V. OTHER PROVISIONS

21. All actions required to be undertaken pursuant to this Consent Order shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. In any action by KDHE to enforce the terms of this Consent Order, the City agrees not to contest the authority or jurisdiction of the Secretary of Health and Environment to issue this Consent Order.

22. This Consent Order shall apply to and be binding upon KDHE and the City, its agents, successors, and assigns. No change in the ownership or corporate status of the City shall alter its responsibilities under this Consent Order.

23. The City shall provide a copy of this Consent Order to any subsequent owners or successors before ownership rights are transferred. The City shall provide a copy of this Consent Order to all contractors, sub-contractors, and consultants which are retained to conduct any work performed under this Consent Order, within 14 days after the effective date of this Consent Order or the date of retaining their services. Notwithstanding the terms of any contract, the City is responsible for compliance with this Consent Order and for insuring that its contractors and agents comply with this Consent Order.

24. The activities conducted under this Consent Order are subject to approval by KDHE, and the City shall provide all appropriate necessary information consistent with this Consent Order requested by KDHE.

25. The City agrees to meet every term and condition of this Consent Order. Failure to meet the terms and requirements of the Schedule of Actions for improvements, or any term or condition of, or scheduled date of performance in this Order, or any report, work plan or other writing prepared pursuant to and incorporated into this Order, shall constitute a violation of this Consent Order and may subject the City to further enforcement action including but not limited to the assessment of civil penalties not to exceed \$5,000 per day for each day in which such violation occurs or failure to comply continues.

26. The provisions of this Consent Order shall terminate upon the receipt by the City, of written notice from KDHE that the City has demonstrated that the terms of this Consent Order, including any additional tasks which KDHE has determined to be necessary, has been satisfactorily completed. Failure to complete the Schedule of Actions for improvements by the specified dates will subject the City to further enforcement action.

27. (a) The City shall perform the requirements under this Consent Order within the time limits set forth herein unless, the performance is prevented or delayed solely by events which constitute a force majeure. For purposes of this Consent Order a force majeure is defined as any event beyond the control of the City which could not be overcome by due diligence and which delays or prevents performance by a date required by this Consent Order. Such events do not include increased costs of performance or changed economic circumstances. Any delay caused in whole or in part by action or inaction by federal or state authorities shall be considered a force majeure and shall not be deemed a violation of any obligations required by this Consent Order.

(b) The City shall have the burden of proving all claims of force majeure. Failure to comply by reason of force majeure shall not be construed as a violation of this Consent Order.

(c) The City shall notify KDHE in writing within seven days after becoming aware of an event which the City knew, or should have known, constituted force majeure. Such notice shall estimate the anticipated length of delay, its cause, measures to be taken to minimize the delay, and an estimated timetable for implementation of these measures. Failure to comply with the notice provision of this section shall constitute a waiver of the City's right to assert a force majeure claim and shall be grounds for KDHE to deny the City an extension of time for performance.

(d) Within seven days of the receipt of written notice from the City of a force majeure event, KDHE shall notify the City of the extent to which modifications to this Consent Order are necessary. In the event KDHE and the City cannot agree that a force majeure event has occurred, or if there is no agreement on the length of the extension, the dispute shall be resolved by the Director of Environment under the Dispute Resolution Procedure provided herein.

(e) Any modifications to any provision of this Consent Order shall not alter the Schedule For Improvement or completion of other tasks required by this Consent Order unless specifically agreed to by the parties in writing and incorporated into this Consent Order.

28. This Consent Order may be amended by mutual agreement of KDHE and the City. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties and shall be incorporated into this Consent Order.

29. Dispute Resolution Procedure

(a) The parties recognize that a dispute may arise between them regarding implementation of the action to be taken as herein set forth or other terms or provisions of this Consent Order. If such dispute arises, the parties will endeavor to settle it by informal negotiations between themselves. If the parties cannot resolve the issue informally within a reasonable period of time, either of the parties may notify the other in writing stating specifically that informal negotiations have failed, that formal dispute resolution under this paragraph has commenced and stating its position with regard to the dispute and the reason therefore. A party receiving such a notice of dispute will respond in writing within ten (10) working days stating its position. The parties shall have an additional ten (10) working day period to prepare written arguments and evidence for submission to the other party. Any settlement shall be reduced to writing, signed by representatives of each party and incorporated into the Consent Order. If the parties are unable to reach an agreement following this procedure, the matter shall be referred to the Director of the Division of Environment, KDHE, who shall decide the matter and provide a written statement of his decision which shall be incorporated into the Consent Order.

(b) This dispute resolution procedure shall not preclude any party from having direct recourse to court if otherwise available by applicable law.

30. The requirements of this Consent Order represent the best professional judgement of KDHE at this time based on the available information. If circumstances change significantly so that data indicates an immediate threat of danger to the public health or safety or the environment or a significantly different threat other than the alleged deficiencies addressed herein, then KDHE reserves the right to modify dates or requirements herein as it deems reasonably necessary and the City reserves the right to appeal any such modifications or additional requirements.

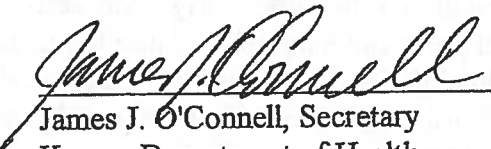
31. Nothing contained in this Consent Order shall affect any right, claim, interest, defense, or cause of action of any party hereto with respect to any person or entity not a party to this Order. This Order does not constitute a waiver, suspension, or modification of the requirements of applicable statutes or regulations which remain in full force and effect.

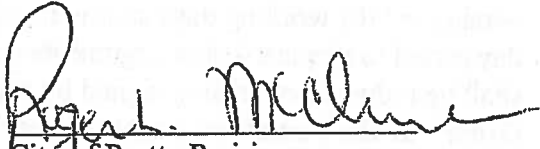
32. The parties hereto have affixed their signatures on the dates inserted below to acknowledge their agreement to this Consent Order. The signatories to this Consent Order certify that they are authorized to execute and legally bind the parties they represent to this Consent Order.

33. KDHE reserves the right to cancel or modify this agreement if new information concerning the health effects of nitrate is discovered.

34. Upon execution of this Consent Agreement, Case No. 91-E-71 is dismissed.

IT IS SO AGREED.

  
James J. O'Connell, Secretary  
Kansas Department of Health  
and Environment

  
City of Pretty Prairie

Dated: 15 Oct 96

Dated: 10-01-96



Kathleen Sebelius, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

www.kdheks.gov

Division of Environment

**DIRECTIVE**

July 20, 2007

Curt Miller, Mayor  
City of Pretty Prairie  
119 West Main  
PO Box 68  
Pretty Prairie, Kansas 67570

Re: Public Water Supply: Nitrate MCL Non-Compliance  
**Federal ID No.: KS2015501**  
**State ID No.: T4000**

Dear Mayor Miller and City Council Members:

Drinking water delivered by the city of Pretty Prairie from Well 05/Treatment Plant 001 (Site ID #00123378) to its customers continues to exceed the maximum contaminant level (MCL) of 10 mg/L established for nitrate. The exceedance of the nitrate MCL has resulted in continuous violation of K.A.R. 28-15a-62. A summary of monitoring results is attached to this Directive.

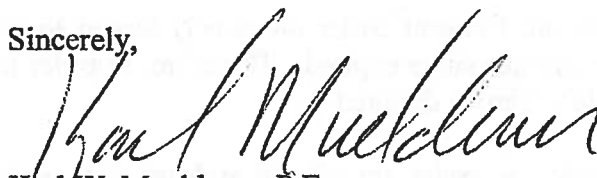
A Nitrate Consent Order previously issued to the City on August 20, 1996 did not result in compliance and has since expired. Therefore, in order to address the continued violations, the city of Pretty Prairie is hereby directed to:

1. Sample the water for nitrate at least once every three months (quarterly). The sampling frequency shall be increased to either monthly or weekly if instructed to do so in writing by KDHE. The City may use the KDHE laboratory or a KDHE-certified private laboratory for analysis. If a private laboratory is used, nitrate results shall be submitted to KDHE - Bureau of Water by the 10<sup>th</sup> day of January, April, July and October for the previous quarter.
2. When test results indicate the nitrate levels exceed the MCL of 10 mg/L at the point of entry, the city of Pretty Prairie shall take the following actions:
  - a. Issue public notice to all customers served **as soon as possible within 24 hours** in accordance with K.A.R. 28-15a-202. Copies of the notice shall be furnished to the county health department. A copy of the notice is also required to be submitted to the KDHE within 10 days of delivering such notice to your customers.

- b. Provide, free of charge, an alternate source of drinking water for all infants less than six months of age, mothers who are nursing infants less than six months of age, and pregnant women. The drinking water provided must meet the requirements of K.A.R. 28-15a-23. If bottled water is chosen to meet this requirement, the city of Pretty Prairie shall obtain a certification from the bottled water supplier that the bottled water meets the appropriate requirements of the U.S. Food and Drug Administration (FDA).
3. The city of Pretty Prairie shall obtain the services of a Kansas-licensed professional engineer to prepare a formal feasibility study, including cost estimates to comply with the nitrate MCL. The city of Pretty Prairie shall submit the Feasibility Study to the KDHE by **December 20, 2007**. The city of Pretty Prairie and the KDHE will jointly review the results of the feasibility study and determine a course of action. At a minimum, the feasibility study shall address the following options:
  - a. Obtaining a new source of raw water,
  - b. Obtaining water of acceptable quality from another public water supply,
  - c. Treatment options to reduce nitrate, including the feasibility of blending existing sources of water to produce acceptable quality water, and
  - d. If a new source can be obtained, minimizing the use of, or removing from service, the individual water well causing the problem.

Please submit the above mentioned items to the KDHE; Public Water Supply Section at 1000 SW Jackson, Suite 420; Topeka, KS 66612 as indicated. If you have any questions or need any assistance regarding this matter, please contact Kelly Kelsey at (785) 296-6297.

Sincerely,



Karl W. Mueldener, P.E.  
Director, Bureau of Water

Attachment

KWM:kdk

pc: Reno County Health Department  
KDHE-SCDO  
DRP/PJC/DCS/1.0 File

# ATTACHMENT

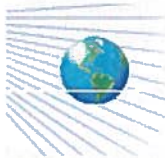
Nitrate results in red bold type are in violation of the MCL.

## SUMMARY OF NITRATE RESULTS 1995 – Present

| FEDERAL ID | SYSTEM NAME             | COLLECT DATE       | ANALYTE | RESULT | UNIT |
|------------|-------------------------|--------------------|---------|--------|------|
| KS2015501  | PRETTY PRAIRIE, CITY OF | June 19, 2007      | NITRATE | 13     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 13, 2007     | NITRATE | 14     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | May 1, 2006        | NITRATE | 13     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 20, 2006     | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | January 10, 2006   | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | October 12, 2005   | NITRATE | 7      | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | August 1, 2005     | NITRATE | 10     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | May 31, 2005       | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | February 14, 2005  | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | December 6, 2004   | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | August 23, 2004    | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | June 12, 2004      | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | February 23, 2004  | NITRATE | 10     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | April 7, 2003      | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | September 25, 2000 | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | August 24, 2000    | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | January 31, 1997   | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | May 16, 1996       | NITRATE | 16     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | May 16, 1996       | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 26, 1996     | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 26, 1996     | NITRATE | 13     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | October 25, 1995   | NITRATE | 10     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | September 27, 1995 | NITRATE | 14     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | September 26, 1995 | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | July 28, 1995      | NITRATE | 10     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | June 28, 1995      | NITRATE | 16     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | June 28, 1995      | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | April 19, 1995     | NITRATE | 13     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | April 19, 1995     | NITRATE | 10     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 30, 1995     | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 30, 1995     | NITRATE | 15     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 30, 1995     | NITRATE | 16     | MG/L |







{In Archive} Fw: Pretty Prairie

Stacie Tucker to: Monica Wurtz, Chris Dudding

Cc: Diane Huffman, Mary Mindrup

This message is digitally signed.

05/19/2008 05:31 PM

Archive:

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Hi Monica & Chris,

I think that we need to include some sort of timeframe expectation for KDHE to resolve the nitrate MCL violations at this PWS. I think this might give KDHE more leverage in getting Pretty Prairie to move towards compliance, if we're in the supportive role as EPA, "gorilla in the closet."

I don't think the tone of our letter should change toward KDHE, but I think that KDHE should be able to use the letter to support actions that they need to take to get Pretty Prairie and at least four other PWSs that have nitrate MCL violations to make every effort to return to compliance (RTC).

1. City of Argonia, PWS ID # KS2019116 - Nitrate Consent Order expires in 2010.
2. City of Arlington, PWS ID # KS2015511 - Nitrate Consent Order expires in 2010.
3. Harper Co. RWD 4, PWS ID # ? - Nitrate Consent Order expires in 2010.
4. Norwich, PWS ID # ? - Nitrate Consent Order expires in 2011.

I think we should copy the city of Pretty Prairie in our letter to KDHE, so that Pretty Prairie sees our coordination with KDHE. That way the city can see that EPA is coordinating with the state, and (hopefully) Pretty Prairie won't try to play KDHE against EPA or vice versa.

- Pretty Prairie has had enforcement actions with KDHE since 1989, with very little progress towards full RTC with the nitrate MCL.
- I think it's important that we use clear dates and consequences to get our point across, especially if we copy Pretty Prairie in our letter to KDHE.
- All of the KDHE Orders had compliance steps, but none of the KDHE Orders had hard and fast milestone dates that Pretty Prairie had to meet to RTC with a rule that's been in place for nearly 20 years.

Can we include something like this in the letter...

"EPA recommends that KDHE, as the primacy agency, (immediately) refer the city of Pretty Prairie for formal enforcement by EPA for the following reasons:

1. If KDHE and the city of Pretty Prairie cannot reach an enforceable compliance agreement by December 31, 2008,
2. If the city of Pretty Prairie cannot provide proof that it will be able to comply with the nitrate MCL within 3 years of the date of this letter (to KDHE),
3. If the city of Pretty Prairie does not begin to implement a plan to achieve full compliance with the SDWA, including providing progress reports to KDHE within 1 year of the date of this letter (to KDHE),
4. If the city of Pretty Prairie cannot provide proof that it has a significant economic hardship to meet the nitrate MCL requirement, after coordinating with the SEFC within 1 year of the date of this letter (to KDHE).

EPA will partner with KDHE to ensure that violations of the nitrate MCL and lack of compliance with the SDWA do not pose further harm to public health or the environment. EPA has many enforcement tools available to persuade violators to return to compliance with the federal SDWA. If EPA deems it necessary, we have the enforcement authority to seek \$11,500 per violation per day pursuant to the SDWA."

- I'm not sure what our administrative penalty is within SDWA, but I think that it might get Pretty Prairie's

- attention - both our enforcement support of KDHE and the potential EPA enforcement consequences.
- If KDHE does refer Pretty Prairie to EPA for enforcement, then EPA's options to address the violations haven't been limited in correspondence.
- This way we can move forward with whatever action we need to take, while still supporting KDHE as the primacy agency
- We can be sure that KDHE and Pretty Prairie are aware of what timeframe we expect significant good faith efforts (or proof of inability to pay) and/or RTC to occur - rather than a flexibly interpreted "as soon as reasonably practicable".
- We don't want to have to wait another 3 years for proof that Pretty Prairie hasn't complied with the requirements of the nitrate MCL in the NPDWR & SDWA.
- I think it clarifies the supporting message that we're involved (supporting KDHE's actions) to achieve compliance with this PWS within a specific timeframe.

I agree with your edits:



EPA Ltr to KDHE about Pretty Prairie Nitrate Ltr 5.19.08.doc

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

----- Forwarded by Stacie Tucker/R7/USEPA/US on 05/19/2008 04:28 PM -----



Monica Wurtz/R7/USEPA/US

05/19/2008 03:53 PM

To Stacie Tucker/R7/USEPA/US@EPA

cc

Subject Re: Fw: Pretty Prairie

Stacie,

I believe Dave was referring to the Directive, but I am not positive about that. KDHE considers the Directive to be an enforcement action and so far Pretty Prairie has met the requirements by having the feasibility study completed. You are correct in that the Directive does not contain implementation dates or compliance milestones, which is why it is important that we send our letter to KDHE. The letter is basically telling KDHE that we expect them to put PP on a schedule to implement an option from the feasibility study. If not, KDHE needs to either pursue further enforcement action, or EPA will take action.

If you feel more comfortable by putting in a return to compliance deadline for PP, go for it. I would give them at least 3 years though.

Thanks.  
Monica

Stacie Tucker/R7/USEPA/US

David Waldo, Chief  
Public Water Supply Section  
Kansas Department of Health and Environment  
1000 SW Jackson, Suite 420  
Topeka, KS 66612

Dear Mr. Waldo:

Re: Public Water Systems Out of Compliance for Nitrates  
Pretty Prairie Public Water System  
PWS ID: KS2015501

We recently received correspondence from the city of Pretty Prairie, because its System has a documented history of exceeding the 10 ppm nitrate MCL. We provided you with a copy of our response to the city of Pretty Prairie, dated May 16, 2008, in deference to KDHE as the primacy agency for enforcement of drinking water violations in Kansas. In our May 16<sup>th</sup> letter to the city of Pretty Prairie about its System, we clarified that the provision of bottled water to the public is not an acceptable long-term solution to nitrate violations, and does not exempt its System from the SDWA requirement to comply with the nitrate MCL.

We notified the city of Pretty Prairie that our agency expects the Pretty Prairie PWS to work with KDHE to take decisive action to come into compliance with the nitrate MCL. Such actions should include, at a minimum, entry into a compliance agreement incorporating an enforceable schedule for the Pretty Prairie PWS to come into compliance with the nitrate MCL.

We suggest that it would be ideal for KDHE to have such an agreement in place with Pretty Prairie by no later than September 30, 2008, absent extenuating circumstances that make such a goal impractical. Such a compliance agreement between Pretty Prairie and KDHE should promote measurable progress towards compliance, via the inclusion of clear milestones, an expected compliance date, and clearly-stated consequences for failure to adhere to the schedule. We also suggest that the agreement should require Pretty Prairie PWS to achieve compliance with the nitrate MCL as soon as reasonably practicable. Please notify EPA once Pretty Prairie has been given measurable milestones and a date to return to compliance with the nitrate MCL.

EPA has reviewed a letter from the city of Pretty Prairie, dated April 16, 2008; as well as a copy of the Consent Order (96-E-0263) that the city of Pretty Prairie entered into with KDHE on October 15, 1996; and a copy of the KDHE Directive sent to the city of Pretty Prairie on July 20, 2007. EPA is willing to partner with KDHE to put an enforcement mechanism in place that will ensure the Pretty Prairie PWS achieves compliance as soon as reasonably practicable in order to protect the consumers of its drinking water system. We both have the goal to resolve the nitrate MCL violations in all drinking water systems in Kansas. Our agency's current priority is the systems with long-term nitrate violations, including the Pretty Prairie PWS.

EPA has advised the city of Pretty Prairie that failure to comply with the requirements of the nitrate MCL, and thereby the SDWA, would lead to an enforcement action by KDHE or EPA. Failure to comply with the SDWA, including timely submission of the plans necessary to implement the recommendations of the feasibility study, may subject the system to an enforcement action brought by KDHE and/or EPA under the authority of the NPDWR and SDWA. If for any reason KDHE does not exercise its enforcement authority in a timely manner, EPA reserves the right to take enforcement action.

We recognize that systems often cite funding shortfalls as a reason for failure to meet one or more requirements of an enforceable compliance schedule. Systems making claims of insufficient funds or economic hardship must take steps, within a compliance schedule, to supply documentation supporting such claims. Failure to seek adequate funding, whether through tax levies, utility rate increases, or submissions of grant proposals, is not adequate justification for failure to meet the terms of an enforcement agreement, compliance schedule, or otherwise fail to show consistent progress towards compliance with the SDWA. Please note that each System's responsibility to come into compliance with the statutory and regulatory requirements of the SDWA does not end with a demonstration of economic hardship.

We encourage you to utilize the resources of the Region 7 Satellite Environmental Finance Center (SEFC), an organization associated with Boise State University which assists local governments with expanding their approach to environmental financing. The SEFC may be able to provide assistance to KDHE to more effectively determine whether Systems have the funds to install treatment, and also to help identify additional funding streams available to Systems. Additional information regarding the SEFC can be found on the internet at <http://efc.boisestate.edu/efc/>.

If you have any questions regarding these issues, please contact Stacie Tucker, of my staff, at (913) 551-7715.

Sincerely,

Diane Huffman, Chief  
Water Enforcement Branch  
Water, Wetlands and Pesticides Division



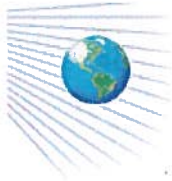
Archive:

{In Archive} Fw: Pretty Prairie  
Monica Wurtz to: Mary Mindrup

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05/20/2008 08:51 AM

----- Forwarded by Monica Wurtz/R7/USEPA/US on 05/20/2008 08:51 AM -----



Stacie Tucker/R7/USEPA/US

05/19/2008 11:30 AM

To Diane Huffman/R7/USEPA/US@EPA

cc Monica Wurtz/R7/USEPA/US@EPA

Subject Re: Pretty Prairie 

Here is the letter that I have for Pretty Prairie:



Pretty Prairie Nitrate Letter 5.12.08.doc

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

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<http://www.epa.gov/compliance/complaints/index.html>

Diane Huffman/R7/USEPA/US



Diane  
Huffman/R7/USEPA/US

05/19/2008 11:27 AM

To Stacie Tucker/R7/USEPA/US@EPA

cc

Subject Re: Pretty Prairie 

The letter to pretty prairie  
Stacie Tucker

----- Original Message -----

**From:** Stacie Tucker  
**Sent:** 05/19/2008 11:23 AM CDT  
**To:** Diane Huffman  
**Subject:** Re: Pretty Prairie

Hi Diane,

Do you want a copy of our letter to Pretty Prairie about Nitrates, or the letter to KDHE about Pretty Prairie?

Monica is working on drafts to the KDHE letter this morning.

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

\*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:  
<http://www.epa.gov/compliance/complaints/index.html>

Diane Huffman/R7/USEPA/US



Diane  
Huffman/R7/USEPA/US  
05/19/2008 10:32 AM

To "Stacie Tucker" <Tucker.Stacie@epamail.epa.gov>  
cc  
Subject Pretty Prairie

Please email a copy of the letter that is being routed. Thanks

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Article No.: 7004 2510 0006 9721 8390

The Honorable Curt Miller  
Mayor of Pretty Prairie  
119 West Main Street  
Pretty Prairie, KS 67570

Dear Mayor Miller:

Re: Pretty Prairie Public Water System  
PWS ID: KS2015501

This letter is a response to correspondence dated April 16, 2008, sent to the United States Environmental Protection Agency, Region 7 (EPA) by the city of Pretty Prairie, Kansas, regarding your request for a meeting related to ongoing nitrates violations at the Pretty Prairie Public Water System (PWS or system) and the actions taken by the Kansas Department of Health and Environment (KDHE) on this matter.

The state of Kansas has enacted regulations which are at least as stringent as the federal National Primary Drinking Water Regulations (NPDWR), and through KDHE has primary enforcement authority for the federal drinking water requirements in Kansas. EPA encourages the city of Pretty Prairie to work with KDHE to take decisive action to come into compliance with the nitrate MCL.

A Public Water System is required by the federal Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq., to comply with the NPDWR. The NPDWR sets out Maximum Contaminant Levels (MCLs) for various contaminants, which are the highest levels at which a contaminant may be legally allowed in water provided to the public. The MCL for nitrate is 10 parts per million (ppm or mg/L).

The Pretty Prairie PWS has a documented history of exceeding the 10 ppm nitrate MCL. Ongoing violations of the nitrate MCL increases consumer exposure to the public health risks associated with nitrate, and consequently must be addressed by reducing the level of nitrates in the water supplied by the system. As EPA described in our correspondence dated February 4, 2008, to Pretty Prairie, provision of bottled water to the public by a PWS, while it may be an acceptable temporary measure to avoid unreasonable risk to health, does not exempt a PWS from its legal requirement to comply with the nitrate MCL.

**CONCURRENCE:WWPD:WENF:Tucker:H:\WENF\2008 Correspondence\Tucker\ Pretty Prairie Nitrate Letter 5.12.08.doc 5/13/08 lk**

|                    |                  |                  |                |                  |                  |  |
|--------------------|------------------|------------------|----------------|------------------|------------------|--|
| <b>NAME</b>        | <b>Tucker</b>    | <b>Wurtz</b>     | <b>Dudding</b> | <b>Mindrup</b>   | <b>Huffman</b>   |  |
| <b>DIV/ BRANCH</b> | <b>WWPD/WENF</b> | <b>WWPD/DRWM</b> | <b>CNSL</b>    | <b>WWPD/DRWM</b> | <b>WWPD/WENF</b> |  |
| <b>SIGN</b>        |                  |                  |                |                  |                  |  |
| <b>DATE</b>        |                  |                  |                |                  |                  |  |



EPA expects that any compliance agreement between Pretty Prairie and KDHE will promote measurable progress towards compliance, by the inclusion of clear milestones, an expected compliance date, and enforceable consequences for failure to adhere to the schedule. The Pretty Prairie PWS should achieve compliance with the nitrate MCL as soon as reasonably practicable. Failure to comply with the nitrate MCL, including failure to take required steps towards compliance, may subject the system to legal action by KDHE and/or EPA seeking civil penalties and/or injunctive relief requiring compliance.

EPA thanks Pretty Prairie for its invitation to meet. If you have any questions regarding these issues, please contact Stacie Tucker, of my staff, at (913) 551-7715.

Sincerely,

Diane Huffman  
Chief, Water Enforcement Branch  
Water, Wetlands and Pesticides Division

cc: Dave Waldo, Kansas Department of Health and Environment

bcc: Monica Wurtz, WWPB/DRWM



{In Archive} Fw: Pretty Prairie  
**Stacie Tucker** to: Mary Mindrup  
Cc: Monica Wurtz, Diane Huffman  
This message is digitally signed.

05/23/2008 08:47 PM

Archive: This message is being viewed in an archive.

Here is the chronology, and the supporting documentation (if you need it):



Pretty Prairie Chronology 5.21.08.doc



EPA Amended ACO Pretty Prairie June 1994.pdf



Pretty Prairie Proposed CO from KDHE Aug 1996.pdf Pretty Prairie 1996 Consent Order 96\_E\_0263.pdf



Pretty Prairie 2007 Directive.pdf Pretty Prairie Nitrate Feasibility Study 2007.pdf



Pretty Prairie - EPA's No Bottled Water Ltr 2-4-08.pdf Pretty Prairie -Req mtg w EPA Ltr 4-16-08.pdf

Sincerely,  
Stacie

Stacie Tucker  
U.S. EPA, Region 7  
WWPD / WENF  
Office 913.551.7715  
Fax 913.551.9715  
Tucker.Stacie@epa.gov

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<http://www.epa.gov/compliance/complaints/index.html>

----- Forwarded by Stacie Tucker/R7/USEPA/US on 05/23/2008 08:42 PM -----



Diane  
Huffman/R7/USEPA/US  
05/23/2008 02:50 PM

To "Stacie Tucker" <Tucker.Stacie@epamail.epa.gov>  
cc

Subject **Pretty** Prairie

Get the chronology to Mary - she is handling this for while i am out. Thanks.



## **History of Pretty Prairie Public Water Supply** **Pretty Prairie, Kansas**

### **Background Information:**

**Population:** 600

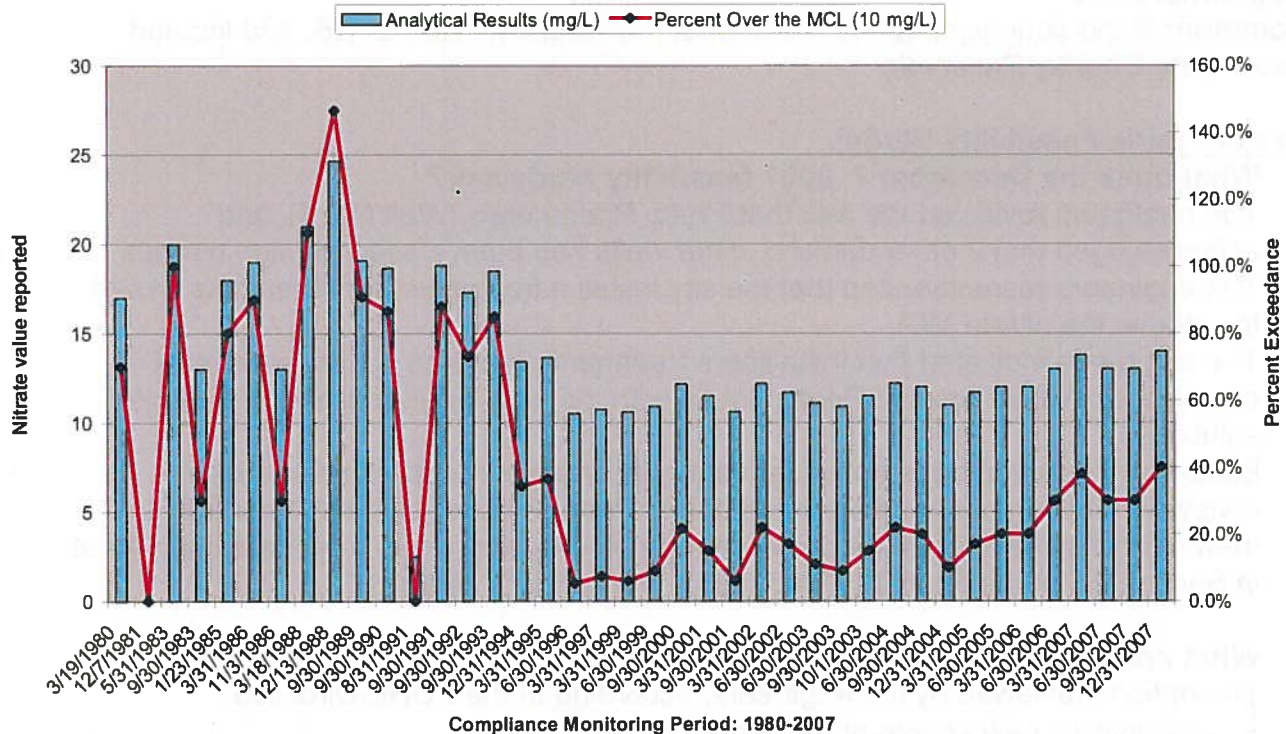
**Location:** Reno county; about 46 miles west-northwest of Wichita, KS; and located west of the Cheney Reservoir.

### **Pretty Prairie Feasibility Study:**

- **What does the December 7, 2007 feasibility study say?**
- The engineers reviewed the well that Pretty Prairie uses (Well No. 5), and acknowledged that 2 other drinking water wells had been closed for high nitrates.
- The engineers recommended that the city install a treatment plant the costs \$1.2M to achieve the nitrate MCL
- The engineers indicated that installing a treatment plant was not the most cost effective, but would provide Pretty Prairie with the best long-term nitrate treatment solutions.
- Based on the advantages and disadvantages of each treatment alternative reviewed, the engineers recommended that Pretty Prairie construct a central treatment plant and utilize the ion exchange process for nitrate treatment, discussed in Section 4.5 of the feasibility study (also presented in Table 6.1).
  
- **What are the options?**
- The options reviewed by the engineers, according to the KDHE Directive:
  - Obtaining a new source of raw water
  - Purchase water of acceptable quality from another PWS
  - Treatment options to reduce nitrate, including the feasibility of blending existing sources of water
  
- **What does the city need to move forward?**
- Pretty Prairie needs to coordinate a course of action with KDHE to meet the nitrate MCL.
  
- **What is KDHE doing?**
- Monitoring Pretty Prairie violations, and encouraging Pretty Prairie to take action based on the KDHE Directive issued in July 2007
- As of April 30, 2008, KDHE has not placed Pretty Prairie under any kind of schedule
- As of April 30, 2008, KDHE did not indicate when it would provide a compliance schedule with milestone date for Pretty Prairie to implement the feasibility study findings, such as bid contracts, award contracts, or commence construction of the recommended treatment system.

## Chronology of Actions and Violations:

### Summary of Nitrate MCL Violations in Pretty Prairie Public Water System Pretty Prairie, KS



- **1979 - 1993** – SDWIS data indicates nitrate levels varying between 13 – 25 mg/L.
- **1994** – Pretty Prairie constructed new well. Brief return to compliance with nitrate MCL.
- **1996 - 2008** – SDWIS data indicates that Pretty Prairie continued to have nitrate MCL exceedances. Levels range from 11 to 14 mg/L.

**February 1989 - KDHE issued Administrative Order 89-E-10** on 2/13/1989 with a compliance schedule including actions to be taken to meet nitrate MCL.

- Pretty Prairie did not appeal this KDHE Order, so the Order became final.

**October 1990 – KDHE issued Administrative Order 90-E-71** on 10/28/1990 for failure to comply with AO 89-E-10 & pay \$12,675 in penalties.

- Pretty Prairie appealed this KDHE Order before it became final.
- KDHE AO 89-E-10 was incorporated by reference.
- This Order did not become effective, so KDHE and Pretty Prairie entered into enforcement negotiations.

**October 1991 – KDHE and Pretty Prairie entered into Consent Order 91-E-71** on 10/24/1991 for violations.

- Pretty Prairie agreed to comply with nitrate MCL by following compliance schedule & paying \$675 in civil penalties.

- KDHE dismissed the remaining penalty on the condition that Pretty Prairie had to comply with a compliance schedule to RTC with the nitrate MCL.

**January 1994 – EPA issued an Administrative Compliance Order to Pretty Prairie** on January 3, 1994 for violations of the nitrate MCL.

- ACO required Pretty Prairie to take certain scheduled steps to bring its PWS into compliance with the nitrate MCL of 10 mg/L.
  - Advertising for construction bids of necessary improvements to the system,
  - Awarding a contract for construction of improvements, and
  - Completing construction for necessary improvements to the PWS.
- Pretty Prairie only completed the requirement to advertise for construction bids.

**February 1994 – Pretty Prairie filed a Petition** for Review by the Court on February 17, 1994, because EPA and KDHE denied Pretty Prairie's request for an exemption from the nitrate MCL.

**February 1994 – Pretty Prairie filed a Petition** for Review by a different Court on February 17, 1994, challenging the issuance of EPA's ACO.

**March 1994 – Pretty Prairie and EPA held conference calls about Pretty Prairie's strategy to RTC with the nitrate MCL.**

- At the end of March 1994, Pretty Prairie provided EPA additional details of its proposal to develop a new source well with concentrations below nitrate MCL. EPA
- EPA agreed to amend the ACO to extend the deadline for awarding the construction contract until April 11, 1994.

**April 1994 – EPA and Pretty Prairie met and agreed to take a number of actions from April to June 1994.**

- EPA agreed to extend the deadline for Pretty Prairie to award the construction contract for PWS improvements until June 10, 1994.
- Pretty Prairie agreed to provide EPA with additional information about the cost of building a new treatment facility for the PWS
- Pretty Prairie stated its intention to drill a new test well
- Pretty Prairie agreed to analyze the quality of the water and report its findings to EPA by May 25, 1994.
- Meeting scheduled for June 1, 1994 to discuss Pretty Prairie's options for complying with the SDWA.
- EPA began to amend the January 1994 ACO, based on these commitments.

**June 1, 1994 – EPA and Pretty Prairie held a conference call.**

- Pretty Prairie submitted information about its plan to drill a new well.
- EPA advised Pretty Prairie that the likelihood of drilling a new water supply well which could produce water under the nitrate MCL for reasonable period of time appeared low.
- Pretty Prairie identified three possible routes for bringing its PWS back into compliance with the nitrate MCL.

- 1. Drill a new water supply well which can produce water with a nitrate level at or below the 10 mg/L MCL.
- 2. Install an ion exchange water treatment system, based on sodium chloride technology. This approach presented a waste disposal problem of the sodium chloride, but Pretty Prairie had identified a disposal well that can accept the wastes in accordance with the SDWA.
- 3. Install an ion exchange water treatment system based on potassium chloride technology. Relatively new treatment technology, the approach had an advantage because the waste solids could be disposed of in the sewers.
- Pretty Prairie preferred to drill a new well, and had concluded a series of activities to enable the city to determine the viability of that approach.
- Pretty Prairie expected to have sufficient data by August 8, 1994 to commit to implementation of 1 of the 3 approaches discussed above.

**June 1994 – EPA issued an Amended Administrative Compliance Order on Consent Docket VII-93-PWS-04** on June 27, 1994 that required Pretty Prairie to achieve compliance with the nitrate MCL.

- Pretty Prairie Mayor had to notify EPA by August 8, 1994 what approach the city would take to RTC with the nitrate MCL.
- Pretty Prairie had to achieve compliance with the nitrate MCL by the following dates using the following treatment technologies:
  - November 1, 1994 – if Pretty Prairie drilled a new city water supply well
  - March 1, 1995 – if Pretty Prairie installed a conventional sodium chloride ion exchange water treatment system
  - March 1, 1995 – if Pretty Prairie installed a continuous ion exchange system (potassium chloride) water treatment system
- Pretty Prairie had to continually implement bottled water and public notification programs UNLESS
  - Certified to EPA that sampling November 1994 – January 1995 showed that the nitrate level was consistently below nitrate MCL, OR
  - Certified to EPA that the selected ion exchange treatment system was in operation, and sampling confirmed that the nitrate level was consistently below nitrate MCL

**November 1994 - June 1995 – Pretty Prairie chose to drill a new well to comply with the nitrate MCL.**

- Well No. 5 was constructed and placed into operation for the Pretty Prairie system.
- Pretty Prairie removed Wells No. 3 and 4 from service, and relied entirely on Well No. 5.

**June 1995 – Pretty Prairie's new well** achieved compliance with the terms of the EPA Amended ACO.

- Pretty Prairie achieved compliance with the nitrate MCL for a short time.

**Early to mid-1996 – EPA closed the Consent Order**, once Pretty Prairie demonstrated compliance with the nitrate MCL for a three month period.



- After the Consent Order was closed, Pretty Prairie's new well (Well No. 5) did not maintain compliance with the nitrate MCL, as EPA had suspected and advised in June 1994.

**August 1996 – KDHE issued Consent Order 96-E-0263 to Pretty Prairie.**

- Pretty Prairie expressed interest in proceeding with a wellhead protection plan
- Pretty Prairie did not appeal this KDHE Order, so the Order became final.

**August 1996 –** A KDHE letter to Pretty Prairie indicated that EPA agreed to close its ACO with Pretty Prairie after the KDHE Consent Order is executed.

**October 15, 1996 - KDHE Consent Order 96-E-0263 for Pretty Prairie** became effective and required the following steps towards compliance:

- The Consent Order commits the city to participate in the Kansas Wellhead Protection Program, and
- The Consent Order contains elements of the Kansas Nitrate Compliance Strategy.
- The Order was designed to expire in 7 years, per the then-draft Kansas Nitrate Strategy

**March 1997- KDHE/EPA execute the Kansas Nitrate Strategy**

- Intent was to establish a response procedure to address PWSs with recurring nitrate MCL violations in Kansas.
- Implemented through Admin. Orders to expire 7 years from issuance.
- Options to achieve compliance with the nitrate MCL of 10 mg/L included:
  - Blending
  - New Source
  - Purchase from another PWS
  - Ion exchange
  - Reverse osmosis

**April 2005 – EPA R7 reviewed PWS files at KDHE for FY03 Annual Program Evaluation (APE)** during April 20-21, 2005.

- Pretty Prairie files indicated that the PWS was out of compliance with the 24 hour public notification requirement in 40 CFR 141.202

**February 2007 – KDHE issued a letter to EPA about Nitrate Strategy.**

- KDHE still had Orders in place, and will honor Orders until they expire.
- KDHE identified strategy to resolved systems out of compliance with nitrate MCL
- KDHE agreed to commit to review 2005 and 2006 nitrate results from 6 systems (including Pretty Prairie) for nitrate violations occurring in 2 out of any 3 consecutive quarters.
- KDHE agreed to issue a directive to require systems in violation with nitrate MCL to hire a consulting engineer to prepare an engineering report and cost estimates to RTC with nitrate MCL.
- KDHE agreed to review the engineers' cost estimates with each water system and negotiate a schedule to complete the best option.

**July 20, 2007 – KDHE issued a Directive to Pretty Prairie.** The Directive outlined the following requirements:

- Sample water for nitrate once every 3 months (quarterly)
- If the test results indicate nitrate MCL exceedance at the point of entry, then Pretty Prairie had to do the following:
  - Issue public notice to all customers within 24 hours
  - Provide an alternate source of drinking water free of charge to infants, nursing mothers, and pregnant women
  - If Pretty Prairie chose to use bottled water to meet this requirement, then Pretty Prairie had to obtain certification from the bottled water supplier that the bottled water meets the appropriate US FDA requirements [there are no time restrictions for this choice, contradicting the SDWA]
- Pretty Prairie had to obtain the services of an engineer to prepare a formal feasibility study, including cost estimates to comply with the nitrate MCL
- Pretty Prairie had to submit the Feasibility Study to KDHE by December 20, 2007
- Pretty Prairie and KDHE were to jointly review the results of the study and determine a course of action.
- At a minimum, the feasibility study had to address the following options:
  - Obtaining a new source of raw water
  - Purchase water of acceptable quality from another PWS
  - Treatment options to reduce nitrate, including the feasibility of blending existing sources of water
  - If new source water can be obtained, minimizing the use of, or removing from service, the individual water well causing the violations

**December 7, 2007 – KDHE received the feasibility study results from Pretty Prairie**

**December 2007 – Pretty Prairie met with KDHE to discuss the feasibility study findings and recommendations.**

- KDHE and Pretty Prairie discussed that feasibility study identified treatment options to comply with the nitrate MCL.
- The feasibility study indicated that a \$1.2M treatment plant was the least expensive and most feasible option for compliance with the nitrate MCL.

**January - February 2008 – Pretty Prairie was in the Unaddressed SNC List for 1QtrFY08 (Oct.-Dec. 2007), which is generated from SDWIS.**

- KDHE indicated in its response to EPA that Pretty Prairie's feasibility study identified the \$1.2M treatment plant as the most feasible option for compliance with the nitrate MCL.

**January 11, 2008 – Pretty Prairie article in local newspaper**

- Pretty Prairie spent \$7,500 for a nitrate feasibility study

- 2007 feasibility study provided options starting at \$1.2M
- Pretty Prairie Council discussed the nitrate issue and the feasibility study findings at their regular council meeting on Monday, January 7<sup>th</sup>.
- Pretty Prairie requested justification from KDHE and EPA for the change in the nitrate policy of allowing bottled water after the feasibility study confirmed that a study completed in the mid-1990s indicated that solving the problem with a convention approach would cost the city
- The recommended solution for the study conducted in the mid-1990s was for the city to install a costly ion exchange treatment system. The city would have needed to containerize, and to obtain a solid waste permit from KDHE to get rid of the sodium chloride generated by the ion exchange treatment.
- The city chose not to follow this option in the mid-1990s, partly because KDHE couldn't write a solid waste permit for this situation in advance.

**February 4, 2008 – EPA sent a letter to Pretty Prairie** clarifying that Pretty Prairie could not use bottled water indefinitely.

- EPA's letter clearly stated that according to the SDWA, bottled water was only for use on a temporary basis, and not as a means of treatment to comply with the nitrate MCL.

**February 22, 2008 – Pretty Prairie article in local newspaper**

- Mayor was concerned that EPA's February 2008 letter didn't provide a clear explanation of steps to take, since Pretty Prairie could no longer use bottled water as a substitution for treatment.
- Estimated cost of installing a water treatment system will be \$1.2M.
- Pretty Prairie town residents may have their water rates boosted by at \$16 per month to afford treatment.

**April 16, 2008 – Pretty Prairie sent EPA a letter** inviting the Agency to meet and discuss nitrate issues.

- It appears that Pretty Prairie wants to discuss its practice of using bottled water, and why the Kansas Nitrate Strategy is no longer in effect.
- Pretty Prairie has met with EPA in the past to discuss nitrate MCL violations, and was able to discuss extensions for compliance schedules

**May 16, 2008 – EPA drafted a letter to send to Pretty Prairie**, encouraging Pretty Prairie to cooperate with KDHE and to implement the findings of the feasibility study as the means to achieve compliance with the nitrate MCL.

**May 19, 2008 – Pretty Prairie's current status with KDHE:**

- Pretty Prairie is not currently in the 2QtrFY08 (Jan.-March 2008) Unaddressed SNC List

**FYI:**

**March 3, 2008 – USGS report for *Vulnerability of Recently Recharged Ground Water in the High Plains Aquifer to Nitrate Contamination*:**

- Relative background concentration discussed, starting on page 22
- Parts of Reno County, including Pretty Prairie and the Cheney Reservoir, are identified in several maps indicating contamination occurring in non-irrigated agricultural land originating from non-point sources
- Hydrologists' model maps indicate that Pretty Prairie has a 41-80% probability of background nitrate concentrations greater than 4 mg/L for a regional water table depth of 0-30.5 meters

**Physical / geological:** Reno County has the following characteristics, which surrounds Pretty Prairie, and may influence some of PWS wells:

- Arkansas River Lowlands to the north and west – sand and gravel deposits, irregular hills, and sand dunes
- Wellington and McPherson Lowlands to the southwest and northeast – permeable sand and gravel, and a large quantity of high-quality water in the Equus beds nearby
- Osage Questas underlying Pretty Prairie – hill-plain or broad-terraces, steep eastern slopes, with plentiful limestone supply



Kathleen Sebelius, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

[www.kdheks.gov](http://www.kdheks.gov)

Division of Environment

## DIRECTIVE

July 20, 2007

Curt Miller, Mayor  
City of Pretty Prairie  
119 West Main  
PO Box 68  
Pretty Prairie, Kansas 67570

Re: Public Water Supply: Nitrate MCL Non-Compliance  
Federal ID No.: **KS2015501**  
State ID No.: **T4000**

Dear Mayor Miller and City Council Members:

Drinking water delivered by the city of Pretty Prairie from Well 05/Treatment Plant 001 (Site ID #00123378) to its customers continues to exceed the maximum contaminant level (MCL) of 10 mg/L established for nitrate. The exceedance of the nitrate MCL has resulted in continuous violation of K.A.R. 28-15a-62. A summary of monitoring results is attached to this Directive.

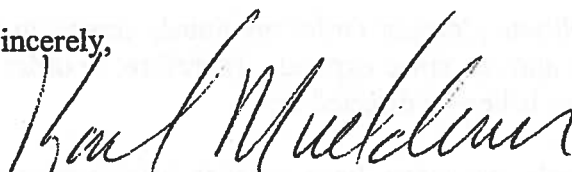
A Nitrate Consent Order previously issued to the City on August 20, 1996 did not result in compliance and has since expired. Therefore, in order to address the continued violations, the city of Pretty Prairie is hereby directed to:

1. Sample the water for nitrate at least once every three months (quarterly). The sampling frequency shall be increased to either monthly or weekly if instructed to do so in writing by KDHE. The City may use the KDHE laboratory or a KDHE-certified private laboratory for analysis. If a private laboratory is used, nitrate results shall be submitted to KDHE - Bureau of Water by the 10<sup>th</sup> day of January, April, July and October for the previous quarter.
2. When test results indicate the nitrate levels exceed the MCL of 10 mg/L at the point of entry, the city of Pretty Prairie shall take the following actions:
  - a. Issue public notice to all customers served **as soon as possible within 24 hours** in accordance with K.A.R. 28-15a-202. Copies of the notice shall be furnished to the county health department. A copy of the notice is also required to be submitted to the KDHE within 10 days of delivering such notice to your customers.

- b. Provide, free of charge, an alternate source of drinking water for all infants less than six months of age, mothers who are nursing infants less than six months of age, and pregnant women. The drinking water provided must meet the requirements of K.A.R. 28-15a-23. If bottled water is chosen to meet this requirement, the city of Pretty Prairie shall obtain a certification from the bottled water supplier that the bottled water meets the appropriate requirements of the U.S. Food and Drug Administration (FDA).
3. The city of Pretty Prairie shall obtain the services of a Kansas-licensed professional engineer to prepare a formal feasibility study, including cost estimates to comply with the nitrate MCL. The city of Pretty Prairie shall submit the Feasibility Study to the KDHE by **December 20, 2007**. The city of Pretty Prairie and the KDHE will jointly review the results of the feasibility study and determine a course of action. At a minimum, the feasibility study shall address the following options:
  - a. Obtaining a new source of raw water,
  - b. Obtaining water of acceptable quality from another public water supply,
  - c. Treatment options to reduce nitrate, including the feasibility of blending existing sources of water to produce acceptable quality water, and
  - d. If a new source can be obtained, minimizing the use of, or removing from service, the individual water well causing the problem.

Please submit the above mentioned items to the KDHE; Public Water Supply Section at 1000 SW Jackson, Suite 420; Topeka, KS 66612 as indicated. If you have any questions or need any assistance regarding this matter, please contact Kelly Kelsey at (785) 296-6297.

Sincerely,



Karl W. Mueldener, P.E.  
Director, Bureau of Water

Attachment

KWM:kdk

pc: Reno County Health Department  
KDHE-SCDO  
DRP/PJC/DCS/1.0 File

# ATTACHMENT

Nitrate results in red bold type are in violation of the MCL.

## SUMMARY OF NITRATE RESULTS 1995 – Present

| FEDERAL ID | SYSTEM NAME             | COLLECT DATE       | ANALYTE | RESULT | UNIT |
|------------|-------------------------|--------------------|---------|--------|------|
| KS2015501  | PRETTY PRAIRIE, CITY OF | June 19, 2007      | NITRATE | 13     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 13, 2007     | NITRATE | 14     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | May 1, 2006        | NITRATE | 13     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 20, 2006     | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | January 10, 2006   | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | October 12, 2005   | NITRATE | 7      | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | August 1, 2005     | NITRATE | 10     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | May 31, 2005       | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | February 14, 2005  | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | December 6, 2004   | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | August 23, 2004    | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | June 12, 2004      | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | February 23, 2004  | NITRATE | 10     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | April 7, 2003      | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | September 25, 2000 | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | August 24, 2000    | NITRATE | 12     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | January 31, 1997   | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | May 16, 1996       | NITRATE | 16     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | May 16, 1996       | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 26, 1996     | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 26, 1996     | NITRATE | 13     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | October 25, 1995   | NITRATE | 10     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | September 27, 1995 | NITRATE | 14     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | September 26, 1995 | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | July 28, 1995      | NITRATE | 10     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | June 28, 1995      | NITRATE | 16     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | June 28, 1995      | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | April 19, 1995     | NITRATE | 13     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | April 19, 1995     | NITRATE | 10     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 30, 1995     | NITRATE | 11     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 30, 1995     | NITRATE | 15     | MG/L |
| KS2015501  | PRETTY PRAIRIE, CITY OF | March 30, 1995     | NITRATE | 16     | MG/L |





**WILSON  
& COMPANY**

1700 East Iron Avenue  
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KDK / DFW / DHG / 11.0  
Dan

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06 December 2007

PW0040069

Mr. Kelly Kelsey  
Kansas Department of Health & Environment  
Bureau of Water – Public Water Supply Section  
1000 SW Jackson Street, Suite 420  
Topeka, KS 66612-1367

RECEIVED  
DEC 07 2007  
BUREAU OF WATER

Re: FINAL Engineering Report  
Feasibility Study for Water System  
City of Pretty Prairie, Kansas  
WCI File: 07 200 523 00/01/8220/8200

Mr. Kelsey:

Per a directive dated July 20, 2007, issued to the City by KDHE please find enclosed one (1) copy of the FINAL Engineering Report for the Feasibility Study for the Water System for the City of Pretty Prairie. This Feasibility Study addresses all the options listed in the directive. If there are any questions or comments with regards to any information presented in this report please feel free to call me at (785) 827-0433, or email me at [Melissa.Schlickbernd@wilsonco.com](mailto:Melissa.Schlickbernd@wilsonco.com).

WILSON & COMPANY

*Melissa D. Schlickbernd*

Melissa D. Schlickbernd, P.E.  
Project Manager

Enclosure

cc: Curt Miller, Mayor, City of Pretty Prairie

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# ENGINEERING REPORT

City of Pretty Prairie, Kansas



RECEIVED  
DEC 07 2007

BUREAU OF WATER

PW0040069

## Water System Feasibility Study

December 2007  
07-200-523-00; Phase 01

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